

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

DEMARIA L. WYNN  
as Guardian for Duane L. Wallace, a protected individual,  
and  
DUANE L. WALLACE, a protected individual,

Plaintiffs,

-vs-

Case No. 06-10534  
HON. AVERN COHN

STATE FARM MUTUAL AUTOMOBILE  
INSURANCE COMPANY,

Defendant.

/

**ORDER DENYING DEFENDANT'S MOTION IN LIMINE  
FOR PARTIAL SUMMARY JUDGMENT (DOC. 86)**<sup>1</sup>

This is an attendant care case under Michigan's No Fault Act. Defendant has filed a motion styled Motion in Limine for Partial Summary Judgment (doc. 86). The motion is DENIED. Notebooks are not the only way plaintiff can establish his claim. Plaintiff bears the burden of proving at trial the hours he claims for attendant care. Plaintiff shall not rely on any attendant care notes or notebooks he failed to produce by the Court-ordered date of March 31, 2009.

SO ORDERED.

Dated: April 9, 2009

s/Avern Cohn  
AVERN COHN  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup> In this circuit, a ruling on a motion in limine is advisory only. United States v. Yannott, 42 F.3d 999, 1007 (6th Cir. 1994). To preserve for appeal any issue relating to this decision, a party must raise the question at trial and obtain a final decision from the Court. See United States v. Luce, 713 F.2d 1236, 1239–40 (6th Cir. 1983).

**06-10534 Wynn v. State Farm Mutual Automobile Insurance Co.**  
**Re: D/E 86**

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing document was mailed to the attorneys of record on this date, April 9, 2009, by electronic and/or ordinary mail.

s/Julie Owens  
Case Manager, (313) 234-5160